



IT IS ORDERED as set forth below:

Date: July 29, 2024

Paul Baisier

Paul Baisier
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

| In Re: | CASE NUMBER: |
|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| LYLTON A. COLLINS, II | 24-55830-PMB |
| Debtor. | CHAPTER 7 |
| HSBC BANK USA, NATIONAL ASSN. AS TRUSTEE FOR FREMONT HOME LOAN TRUST 2006-A, MORTGAGE- BACKED CERTIFICATES, SERIES 2006-A, | |
| Movant, v. LYLTON A. COLLINS, II, Debtor, and MICHAEL J. BARGAR, Trustee | CONTESTED MATTER |
| Respondents. | |

ORDER DENYING REQUEST FOR MORE TIME AND TO RESET HEARING

Before the Court is the *Debtor's Motion for Extension, or Enlargement of Time to Respond to Movant's Motion to Lift Automatic Stay and to Reset Hearing on Said Motion* filed by the referenced *pro se* debtor (the "Debtor") on July 24, 2024 (Docket No. 20)(the "Motion"). In the

Motion, Debtor requests that the Court (i) provide him thirty (30) days to respond to the *Motion for Relief from the Automatic Stay* (Docket No. 16)(as amended to date, the “Stay Relief Motion”) filed by the referenced movant (the “Movant”) on July 5, 2024¹ and noticed for hearing on August 12, 2024 (the “Scheduled Hearing”), and (ii) reset the Scheduled Hearing to a later date.

In the Stay Relief Motion, the Movant seeks relief from the automatic stay under 11 U.S.C. § 362(d) to conduct a nonjudicial foreclosure sale under Georgia law in enforcement of its state law and contract rights with regard to certain real property of the Debtor as described in the Stay Relief Motion and located at 5211 Hugh Howell Road, Stone Mountain, GA 30087 (the “Property”).

The Debtor complains in the Motion that he did not receive service of the Stay Relief Motion and notice of the Scheduled Hearing until July 16, 2024. That is, however, substantially more notice time than the fourteen (14) days that the Court’s normal procedures require for a stay relief motion. Consequently, the Debtor has more than enough time to prepare for the Scheduled Hearing.²

In addition, in the Stay Relief Motion, Movant asserts that it is owed over \$296,000, secured by the Property.³ The Debtor in his schedules values the Property at \$200,000.⁴ This is

¹ Movant filed an *Amended Motion for Relief from the Automatic Stay* on July 8, 2024 (Docket No. 17), and also noticed it for hearing on August 12, 2024.

² The Debtor also requests the additional time so that he can hire a lawyer. Nearly a month is also more than enough time for that purpose. This is also the Debtor’s fifth bankruptcy case since 2018 (Case Nos. 18-51182; 18-61211; 22-60026; 23-59622 and this case), and he has been *pro se* throughout each of them, casting some doubt on the sincerity of this request.

³ In fact, Movant asserts that the Debtor is more than five (5) years in arrears on the loan it holds, with an arrearage approaching \$100,000.

⁴ At various places in his schedules, Debtor values the Property at \$200 (Schedule A, Part 1), \$2,000 (Schedule A, Line 55) and \$200,000 (Schedule A, Line 63) (total must include \$200,000); (Schedule C, Part 1, Line 2); (Schedule D, Part 1).

thus likely a non-surplus Chapter 7 case, in which the Property and standing to object to stay relief motions belongs not to the Debtor but to the Chapter 7 Trustee and the bankruptcy estate. Consequently, it appears unlikely that the Debtor has standing to oppose the Stay Relief Motion in any event.

Having read and considered the Motion, and in light of the foregoing, it is

ORDERED that the Motion is **DENIED**.

The Clerk is directed to serve a copy of this Order on the Debtor, Movant, counsel for the Movant, the Chapter 7 Trustee, and the United States Trustee.

[END OF DOCUMENT]

In re:

Lylton A. Collins, II

Debtor

Case No. 24-55830-pmb

Chapter 7

District/off: 113E-9

User: bncadmin

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Date Rcvd: Jul 29, 2024

Form ID: pdf431

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 31, 2024:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address | Date/Time | Recipient Name and Address |
|----------|-------------------------------------|----------------------|----------------------------------------------------------------------------|
| db | + Email/PDF: logicaldev72@gmail.com | Jul 29 2024 20:17:00 | Lylton A. Collins, II, 5211 Hugh Howell Rd., Stone Mountain, GA 30087-1410 |

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 31, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 29, 2024 at the address(es) listed below:

| Name | Email Address |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Adriano Omar Iqbal | on behalf of U.S. Trustee Office of the United States Trustee adriano.o.iqbal@usdoj.gov |
| Evan Owens Durkovic | on behalf of Creditor HSBC BANK USA NATIONAL ASSOCIATION, ecfganb@aldridgeppte.com, edurkovic@ecf.courtdrive.com |
| Evan Owens Durkovic | on behalf of Creditor PHH Mortgage Corporation ecfganb@aldridgeppte.com edurkovic@ecf.courtdrive.com |
| Michael J. Bargar | mbargar@rlkglaw.com GA67@ecfcbs.com;ecfbargar@rlkglaw.com |
| Office of the United States Trustee | ustpregion21.ecf@usdoj.gov |

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TOTAL: 5